

In re Patent Application of:
GREGG
Serial No. 10/079,729
Filed: **FEBRAURY 21, 2002**

REMARKS

Applicants thank the Examiner for the careful and thorough examination of the present application, and for the indication of allowable subject matter. Claims 18-40 remain pending in the application.

Also, the specification and drawings have been amended to eliminate minor informalities as noted by the Examiner. Applicants note that "portland cement" is commonly not capitalized as it is not a trademark or proper noun.

Favorable reconsideration is respectfully requested.

I. The Independent Claims

Independent Claim 18, for example, is directed to a system for making wallboard or backerboard sheets and recites a mixer and a former wherein a divider is provided downstream from an autoclave, and a cutter is downstream from the former. Independent Claim 27 is directed to a system for making wallboard or backerboard sheets and recites a mixer and a former wherein the autoclave is downstream from the divider and a cutter. Also, independent Claim 34 is directed to a system for making wallboard or backerboard wherein the aerated concrete material is dispensed onto a moving sheet before passing to a cutter and then into an autoclave.

II. The Claims are Patentable

Claims 18 and 27-40 were rejected in view of Mathieu, Urmston, King, Teare, Clear, Emerson, Pace and/or Lawlis taken in various combinations, for the reasons set forth on pages 3-11 of the Office Action. The Examiner indicated that the Claims 19-26

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were directed to allowable subject matter. Applicants contend that Claims 18 and 27-40 clearly define over the cited references, and in view of the following remarks, favorable reconsideration of the rejections is requested.

With respect to independent Claim 18, the Examiner has relied on the King patent as generally teaching a system for making concrete wall panels including a mixer, a face layer supply and a former having a mold tray and a divider for sawing the molded concrete into panels. More specifically, King discloses forming an 8 ft. X 8 ft. X 4 ft. cube of concrete and sawing the cube to a desired thickness. The sawn portion is planed to smooth the surface and expose portions of gas bubbles. Thereafter, a resin and a fibrous mat are also applied.

As recognized by the Examiner, King fails to disclose an autoclave for curing the block of concrete before dividing it, and also fails to disclose a cutter for cutting the cured and divided panels with face layers secured thereto. However, the Examiner relies upon the Urmston patent as teaching the use of autoclaving and the Mathieu patent as teaching the production of wallboards in a continuous manner including the application of face layers to cementitious cores before cutting the material into wallboards.

More accurately, Urmston discloses the formation of a bulk slab of aerated concrete including autoclaving the block, but does not teach any processing thereof into wallboard or backerboard sheets. Furthermore, the Mathieu patent actually discloses depositing a cementitious slurry onto paper/sheets before cutting, and not the application of face layers to cementitious cores as alleged by the Examiner.

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With respect to independent Claim 27, the Examiner cited the Urmston patent as allegedly disclosing molding blocks of aerated concrete and dividing the block into slices before it has cured. As correctly recognized by the Examiner, Urmston does not address any processing thereof into wallboard or backerboard sheets including securing a face layer to an aerated concrete core. Furthermore, the Examiner has misinterpreted the Urmston patent. Column 3, lines 17-38 of Urmston, as relied upon by the Examiner, actually teach that the block of aerated concrete is divided after autoclaving. The cited description refers to previous non-aerated concrete processes that may have included cutting before autoclaving but that this approach would not work with the Urmston invention. In other words, Urmston teaches away from cutting before autoclaving.

Furthermore, Mathieu and King may teach the entrainment of air/gas bubbles into concrete material to form blocks or panels, but neither reference teaches a system having a former with an autoclave downstream from a divider which is downstream from a mold or the use of an autoclave at all. Therefore, neither of these references makes up for the deficiencies of Urmston as set forth above.

Moreover, the Examiner has relied upon the Teare and Clear patents as allegedly disclosing the use of "curing ovens" to cure wallboards after the cutting operation. Applicants maintain that the Examiner has again misinterpreted the actual teachings of the references. The references teach the depositing of a conventional cementitious slurry onto paper/sheets before cutting and stacking to allow the panels to cure over time, e.g. in a curing area. There is no disclosure of curing ovens at all, much

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less curing ovens downstream from a divider and a cutter, as claimed.

With respect to independent Claim 34, the Examiner has relied upon the Mathieu patent as teaching the production of wallboards in a continuous manner including the use of a mixer, face layer supply, dispenser, a curing station and a cutting station. The Examiner correctly recognizes that Mathieu does not teach the use of a cutter between the dispenser and an autoclave for cutting uncured core material. However, the Examiner points to the Teare and Clear patents as teaching the use of cutting stations upstream from curing stations.

Applicants point out that the Teare and Clear patents more accurately teach the depositing of a conventional cementitious slurry onto paper/sheets before cutting and stacking to allow the panels to cure over time. Importantly, there is no disclosure of the use aerated concrete or the use of an autoclave at all. In other words, none of the cited references (Mathieu, Teare and/or Clear) teach the use of an autoclave at all, much less an autoclave downstream from a cutter.

Accordingly, as set forth above, the prior art references relied upon by the Examiner do not teach or suggest all the claim features. Furthermore, the Examiner has misinterpreted the actual teachings of many of the references. Thus, the claim rejections in view thereof should be withdrawn.

Secondly, Applicants maintain that the Examiner is impermissibly using the teachings of Applicants' own patent application as a roadmap to modify the prior art. As the Examiner is aware, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or

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motivation, either in the reference itself or in the knowledge generally available to one of ordinary skill in the art, to modify the reference. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim features. The initial burden is on the Examiner to provide some suggestion of the desirability of doing what the Applicants have done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the reference must expressly or impliedly suggest the claimed invention or the Examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the reference. Both the suggestion to make the claimed combination and the reasonable expectation of success must be founded in the prior art and not in Applicants' disclosure.

It is Applicants who recognized the shortcomings in the industry and developed the present invention. There is simply no teaching or suggestion in the cited references to provide the combination of features as claimed. Accordingly, for at least the reasons given above, Applicants maintain that the cited references do not disclose or fairly suggest the invention as set forth in Claims 18, 27 and 34. Furthermore, no proper modification of the teachings of these references could result in the invention as claimed. Thus, the rejections should be withdrawn.

It is submitted that the independent claims are patentable over the prior art. In view of the patentability of the independent claims, it is submitted that their dependent claims, which recite yet further distinguishing features are also patentable over the cited references for at least the reasons set

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forth above. Accordingly, these dependent claims require no further discussion herein.

III. Conclusion

In view of the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. An early notice thereof is earnestly solicited. If, after reviewing this Response, there are any remaining informalities which need to be resolved before the application can be passed to issue, the Examiner is invited and respectfully requested to contact the undersigned by telephone in order to resolve such informalities.

Respectfully submitted,



PAUL J. DITMYER
Reg. No. 40,455
Allen, Dyer, Doppelt, Milbrath
& Gilchrist, P.A.
255 S. Orange Avenue, Suite 1401
Post Office Box 3791
Orlando, Florida 32802
Telephone: 407/841-2330
Fax: 407/841-2343
Attorney for Applicants